

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

KIMBERLY LEEANN TORRES  
TX-1334435-L

§  
§  
§  
§  
§  
§  
§  
§

DOCKETED COMPLAINT NO.  
08-212

**FINAL ORDER**

On this 24<sup>th</sup> day of April, 2009, the Board considered the above-noted matter.

After proper notice was given, the above case was heard by an Administrative Law Judge (ALJ) at the State Office of Administrative Hearings (SOAH). The ALJ made and filed a proposal for decision containing findings of fact and conclusions of law. The proposal for decision was properly served on all parties, who were given an opportunity to file exceptions and replies as part of the administrative record. No such exceptions or replies were filed.

The Texas Appraiser Licensing and Certification Board, after review and due consideration of the proposal for decision, attached as Exhibit A hereto, adopts the findings of fact and conclusions of law of the ALJ contained in the proposal for decision and incorporates those findings of fact and conclusions of law into this Final Order as if such were fully set out and separately stated in this Final Order. All proposed findings of fact and conclusions of law submitted by any party that are not specifically adopted in this Final Order are denied.

NOW, THEREFORE, IT IS ORDERED by the Texas Appraiser Licensing and Certification Board that the license of Kimberly Leeann Torres in this matter is hereby **REVOKED**, effective twenty days after the date Kimberly Leeann Torres is notified of this Final Order.

If enforcement of this Final Order is restrained or enjoined by an order of a court, this order shall become effective upon a final determination by said court or appellate court in favor of the Texas Appraiser Licensing and Certification Board.

Approved by the Board and Signed this 24<sup>th</sup> day of April, 2009.

  
\_\_\_\_\_  
Clinton P. Sayers, Chairperson  
Texas Appraiser Licensing and Certification Board

## **EXHIBIT A**

---

# State Office of Administrative Hearings



Cathleen Parsley  
Chief Administrative Law Judge

February 10, 2009

RECEIVED  
TEXAS REAL ESTATE COMMISSION  
FEB 10 2009  
CASHIER'S SECTION  
OPERATOR 6

Loretta DeHay  
Interim Administrator  
Texas Real Estate Commission  
1101 Camino La Costa  
Austin, Texas 78752

**HAND DELIVERY**

**RE: Docket No. 329-09-1251; Texas Appraiser Licensing and Certification Board v.  
Kimberly Leann Torres**

Dear Ms. DeHay:

Please find enclosed a Proposal for Decision in this case. It contains my recommendation and underlying rationale.

Exceptions and replies may be filed by any party in accordance with 1 TEX. ADMIN. CODE § 155.507(c), a SOAH rule which may be found at [www.soah.state.tx.us](http://www.soah.state.tx.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen J. Pacey".

Stephen J. Pacey  
Administrative Law Judge

SJP/Ls  
Enclosure

xc: Troy Beaulieu, Staff Attorney, Texas Appraiser Licensing & Certification Board, 1101 Camino La Costa, Austin, TX 78752 - **HAND DELIVERY**  
Kimberly L. Torres, 1100 Shady Oak Trail, Mansfield, TX 76063 **REGULAR MAIL**  
Della Lindquist, Director of Enforcement, TREC, 1101 Camino La Costa, Austin, TX 78752 - **VIA HAND DELIVERY**

**SOAH DOCKET NO. 329-09-1251  
(LICENSE NO. TX-1334435-L)**

**TEXAS APPRAISER LICENSING AND  
CERTIFICATION BOARD,**

**Petitioner**

**V.**

**KIMBERLY LEEANN TORRES,**

**Respondent**

§  
§  
§  
§  
§  
§  
§  
§

**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

**PROPOSAL FOR DECISION**

Staff of the Texas Appraiser Licensing and Certification Board (Staff/Board) brought action against Kimberly Leeann Torres (Respondent) seeking to revoke Respondent's real estate appraiser license (license) for violations of TEX. OCC. CODE ch. 1103 and the Board's rules. The Administrative Law Judge (ALJ) recommends that Respondent's license be revoked.

**I. JURISDICTION, NOTICE, AND PROCEDURAL HISTORY**

On January 26, 2009, ALJ Stephen J. Pacey convened the hearing at the State Office of Administrative Hearings, William P. Clements State Office Building, 300 West 15<sup>th</sup> Street, Fourth Floor, Austin, Texas. Staff was represented by Troy Beaulieu, staff attorney. Respondent did not appear and was not represented at the hearing. The record closed that same day.

After establishing that appropriate notice of the hearing was provided to Respondent and that the Board has jurisdiction, Staff moved for a default. The default was granted in accordance with 1 TEX. ADMIN. CODE § 155.501, and the allegations in Staff's notice of hearing were accepted as true.

**II. RECOMMENDATION**

Based on the facts deemed admitted establishing that Respondent failed to provide the requested information to the Board, the ALJ recommends that Respondent's real estate appraiser license be revoked.

## II. FINDINGS OF FACT


1. Kimberly Leeann Torres (Respondent) is a licensed real estate appraiser who currently holds license number TX-1334435-L, with the Texas Appraiser License and Certification Board (Board).
2. On July 1, 2008, the Board received a complaint against Respondent involving Respondent's real estate appraisal of property located at: 3002 Cortez Court E, University Hills, Irving, Texas 75062.
3. Staff for the Board notified Respondent of the complaint and provided her with opportunity to respond to the allegations. Further, Staff requested that Respondent provide documentation to the Board within 20 days of notice.
4. Respondent failed to timely respond to Staff's inquiries and request for documentation.
5. On November 12, 2008, Staff sent Respondent its Original Statement of Charges by certified mail to 1100 Shady Oak Trail, Mansfield, Texas 76063, her last address of record with the Board.
6. On December 17, 2008, Staff sent its notice of hearing by certified mail to Respondent at her last address of record with the Board.
7. The hearing notice contained a statement of the time, place, and nature of the hearing; a statement of legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the matters asserted.
8. The notice of hearing, in at least 12-point bold-faced font, notified Respondent that failure to appear at the hearing would result in the original statement of charges being admitted as true, the relief sought by the Board granted, and a default judgment being taken against her.
9. Respondent neither appeared nor was represented at the hearing on January 26, 2009.
10. Based on Respondent's failure to appear, Staff's motion to proceed on a default basis was granted, and the facts contained with the original statement of charges were deemed admitted.

## III. CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board (Board) has jurisdiction over this matter. TEX. OCC. CODE § 1103.451-1103.5545.
2. The State Office of Administrative Hearings has jurisdiction over the hearing in this proceeding pursuant to TEX. OCC. CODE § 1103.508 , including the authority to issue a proposal for decision with proposed findings of fact and conclusions of law, pursuant to TEX. GOV'T CODE ANN. chs. 2001 and 2003.

3. Pursuant to TEX. OCC. CODE § 1103.403, Respondent was required to notify the Board of any change of her office address.
4. Pursuant to 22 TEX ADMIN. CODE § 157.9(b), service of the notice of hearing upon Respondent was complete and effective upon proper mailing of the notice to Respondent's most recent address as shown by the records of the Board.
5. Staff provided proper notice of hearing to Respondent. TEX. GOV'T CODE ANN. chs. 2001 and 2003.
6. Based on the above Findings of Fact, Respondent failed to answer inquiries and provide certain documentation within 20 days of notice in violation of 22 TEX. ADMIN. CODE § 153.22 and § 153.20(a)(2).
7. The Board is authorized to suspend or revoke the Respondent's appraiser license for violation of the Board's rules. TEX. OCC. CODE § 1103.518(2)(B).
8. Based on the above Findings of Fact and Conclusions of Law, the Board should revoke Respondent's real estate appraiser license.

**SIGNED February 10 2009.**

  
STEPHEN J. PACEY  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS